

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 12<sup>TH</sup> DAY OF MAY 2003, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Larry N. Rush	-Chair
	Annette S. Perkins	-Vice Chairman
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary
ABSENT:	John A. Muffo	-Supervisor

### **CALL TO ORDER**

The Chair called the meeting to order.

### **MOMENT OF SILENCE**

Chair Rush requested a moment of silence in remembrance of Scott Hylton, Christiansburg Police Officer, who was killed in the line of duty on May 9, 2003.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

## **PUBLIC HEARINGS**

Amend Chapter 8 Article III, Section 8-69 of the Code of the County of Montgomery Entitled Erosion and Sediment Control

**An Ordinance Amending Chapter 8 Article III, Section 8-69 of the Code of the County of Montgomery, Virginia Entitled Erosion and Sediment Control in Order to Amend the Existing Fee Schedule by Re-Classifying the Monthly Inspection Fees.**

There being no speakers, the public hearing was closed.

## **PUBLIC ADDRESS**

Doug Testerman addressed the Board about concerns with the rising cost of employee health insurance. Mr. Testerman reported the cost for family insurance increased from \$390.00 to \$560.00 per month. He indicated that numerous employees will not be able to carry the family insurance plan due to the increase in premiums. The deadline for enrollment is May 21, 2003 and Mr. Testerman requested an extension to turn in the employee enrollment form in order for employees to investigate private insurance coverage. Mr. Testerman also requested employee representation on the insurance committee.

Lisa Wickline spoke in support for Riffe Street to be added to the secondary system of state highways. Ms. Wickline asked the Board to consider obtaining the required ten feet right-of-way needed from both sides of Riffe Street, not just from one side. She urged the Board to approve the resolution before them tonight to add Riffe Street to the secondary system of state highways.

Denyse Turner spoke in support for Riffe Street to be added to the secondary system of state highways. Ms. Turner agreed with the previous speaker and requested the Board to take the additional 10 feet of right-of-way needed from both sides of the road, not just from the property owners side.

C.B. Linkous addressed the Board about concerns with the County's Health Insurance Plan. Mr. Linkous stated the cost of the family plan has increased and employees will not be able to afford health coverage on their families. He also requested an extension on the deadline to turn in the employee enrollment form in order to investigate other options.

Robert Wickline thanked the Board for their support in getting Riffe Street on the secondary system in order to be state maintained. Mr. Wickline requested the Board obtain the required right-of-way needed

May 12, 2003

Page 2 of 27

from both sides of Riffe Street, 5 feet from the school property and 5 feet from the property owners.

Jimmy Epperly, Town of Christiansburg Fire Chief, expressed his appreciation to the Board for not decreasing the Fire and Rescue budget for FY 2003-2004.

Corey Meadows addressed the Board with concerns about the rising cost of health insurance for county employees. Ms. Meadows stated she was the spouse of a county employee and they are expecting their first child. She just went from full-time status to part-time status at her job and if she had known the cost of family coverage was going to increase she may have considered staying full-time.

There being no further speakers, the public address session was closed.

## **DELEGATION**

### **VIRTUAL IT, INC.**

Randy Grubb, Virtual IT, Inc., presented the Montgomery County Technology Assessment Report to the Board of Supervisors. Mr. Grubb summarized key areas and recommendations that will be critical in ensuring the continuation of technology.

## **JEFFERSON NATIONAL FOREST -PROPOSED REVISED LAND AND RESOURCE MANAGEMENT PLAN**

### **Jefferson National Forest**

Cindy Schiffer, Jefferson National Forest, presented the Draft Environmental Impact Statement and Proposed Revised Land and Resource Management Plan for the Jefferson National Forest.

### **Wilderness Designation for Brush Mountain**

Lindsey West, David West, Nathaniel Hitt and Lucy Goldberg addressed the Board on Wilderness Designation for the north side of Brush Mountain. They requested the Board support a resolution in requesting that 4,700 acres of land on the north side of Brush Mountain be designated as a wilderness study in the Jefferson National Forest Plan, and its inclusion by Congress in the National Wilderness System.

### **Friends of Pandapas Pond - Management Change to Poverty Hollow**

Teresa Martinez, Friends of Pandapas Pond, addressed the Board with concerns for the management prescriptions assigned to the area surrounding the Pandapas Pond Recreation Area and the valley between Gap and Brush Mountains. She requested the Board to support a resolution to ask the United States Forest Service (USFS) to change the management prescription from a 7E2 prescription to a 7E.1

prescription.

Following a brief discussion, the Board by consensus agreed to add a resolution of support for wilderness designation for 4700 acres on the north side of Brush Mountain and a resolution requesting the management prescription be changed from 7.E2 prescription to a 7E.1 prescription for the area surrounding Pandapas Pond, on the June 23, 2003 agenda for consideration.

### **ADDENDUM**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously, the Addendum dated May 12, 2003 was added to the agenda as follows:

A. **INTO WORK SESSION**

1. Merchants Capital Tax

B. **OUT OF WORK SESSION**

C. **INTO CLOSED MEETING**

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body

1. Library

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Annette S. Perkins		
James D. Politis		
C.P. Shorter		
Mary W. Biggs		
Larry N. Rush		

## **CONSENT AGENDA**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously, the Consent Agenda dated May 12, 2003 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
C.P. Shorter		
James D. Politis		
Annette S. Perkins		
Gary D. Creed		
Larry N. Rush		

## **General Services - Recovered Costs**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

400	General Services	\$2,115
330	Fire and Rescue	\$1,156
180	Motor Pool	<u>\$3,591</u>
		\$6,862

The source of the funds for the foregoing appropriation is as follows:

### Revenue Account

441101	Insurance Recoveries	\$6,862
--------	----------------------	---------

Said resolution appropriates monies received from insurance recoveries.

## **Fairview District Home-Capital Improvements**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

910	Fairview District Home	\$2,029
-----	------------------------	---------

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02-451203	Undesignated Fund Balance	\$2,029
-----------	---------------------------	---------

Said resolution appropriates funds for the Fairview District Home to cover the County's share of capital improvements to the Home.

**Board of Supervisors -Consulting Services for Tax Processing**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

100	Board of Supervisors	\$45,000
-----	----------------------	----------

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203	Undesignated Fund Balance	\$45,000
--------	---------------------------	----------

Said resolution appropriates fund balance monies to cover the estimated costs of consulting services provided by Robinson, Farmer, Cox Associates through June 2003.

**Board of Supervisors - Legal Services**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

May 12, 2003

Page 6 of 27

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003 for the function and in the amount as follows:

100	Board of Supervisors	\$35,000
-----	----------------------	----------

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203 Undesignated	Fund Balance	\$35,000
---------------------	--------------	----------

Said resolution appropriates funds to the Board of Supervisors for legal services.

**Health Department - Additional Appropriation - Renovations**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

530	Health Department	\$ 17,040
-----	-------------------	-----------

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02530-419108	Recovered Cost	\$17,040
--------------	----------------	----------

Said resolution appropriates funding from the state to cover the cost of renovations to the County Health Department building.

**Appointments to the New River Valley Community Services Board**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

WHEREAS, Section 37.1-194 of the Code of Virginia, 1950 as amended, requires each city and

May 12, 2003

Page 7 of 27

county to establish, singly or in combination, a community services board for the provision of mental health, mental retardation, and substance abuse services to its residents; and

WHEREAS, The County of Montgomery already has established the New River Valley Community Services Board pursuant to this statutory provision; and

WHEREAS, The New River Valley Community Services Board provides community mental health, mental retardation, and substance abuse services, directly through its own staff or through contracts with other providers; and

WHEREAS, The New River Valley Community Services Board conforms to the definition of an operating community services board that is contained in Section 37.1-194.1 of the Code of Virginia, 1950 as amended; and

WHEREAS, The NRV Community Services Board is composed of four (4) members from Montgomery County, three (3) members from Pulaski County, two (2) members from Floyd County, two (2) members from Giles County, and two (2) members from the City of Radford.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that at least one member appointed to represent Montgomery County on the New River Valley Community Services Board shall be either an elected official or the county administrator.

BE IT FURTHER RESOLVED, That each member locality be requested to appoint at least one representative to the Community Services Board that is either an elected official or their chief administrator.

## **OLD BUSINESS**

### **Special Use Permit - Rodney L. Dalton (Agent: Betty Dalton)**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Rodney L. Dalton (Agent: Betty Dalton) request for a Special Use Permit, with possible conditions, in Agriculture (A-1) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height is hereby approved subject to the following conditions:

1. The proposed structure shall not be used for any work of a commercial nature.

May 12, 2003

Page 8 of 27



2. The proposed structure shall not exceed 5000 sq. ft in area.
3. The height of the structure shall not exceed 21 ft.
4. The proposed structure shall be located at least 100 feet from all property lines.
5. A dwelling shall be in place or under construction prior to issuance of a building permit for the accessory structure.
6. The proposed structure shall have siding and match the exterior appearance of the existing home on the property.
7. The approval of this proposed structure is conditioned upon the applicant surrendering their right to have a 5,000 square foot accessory building at 1707 Radford Road by relinquishing their building permit and removing the existing 5,000 square foot accessory structure.

The property is located on the east side of Walton Road at the Morning Glory Drive/Walton Road intersection and is identified as Tax Parcel No. 76-A-45A (Account ID #007700) in the Riner Magisterial District. The property lies in an area designated as Rural Area in the Comprehensive Plan.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	John A. Muffo
James D. Politis		
Annette S. Perkins		
Gary D. Creed		
Mary W. Biggs		
Larry N. Rush		

**Special Use Permit - Walter B. & Brenda Mosby**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Walter B. & Brenda Mosby request for a Special Use Permit, with possible conditions, in Agriculture (A-1) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height is hereby approved subject to the following conditions:

1. The proposed structure shall not exceed 1000 sq. ft in area.
2. The height of the structure shall not exceed 18 ft.
3. The proposed structure shall match the architectural style of the existing home on the property.

The property is located at 1888 Dobbins Hollow Road and is identified as Tax Parcel No. 130-A-50 (Account ID #023599) in the Riner Magisterial District. The property lies in an area designated as Rural/Conservation Area in the Comprehensive Plan.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
Gary D. Creed		
Mary W. Biggs		
C.P. Shorter		
James D. Politis		
Larry N. Rush		

#### **Special Use Permit -Samuel Kittinger**

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Samuel Kittinger request for a Special Use Permit, with possible conditions, in Agriculture (A-1) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height is hereby approved subject to the following condition:

1. The proposed structure shall not exceed 5000 sq. ft in area.

The property is located at 1787 North Fork Road and is identified as Tax Parcel No. 69-A-38 (Account ID #012548) in the Shawsville Magisterial District. The property lies in an area designated as Agriculture Area in the Comprehensive Plan.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
------------	------------	---------------

Mary W. Biggs                      None                      John A. Muffo  
C.P. Shorter  
James D. Politis  
Annette S. Perkins  
Gary D. Creed  
Larry N. Rush

**Rezoning Request - Charles Gallo**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

**ORDINANCE 2003 -03  
An Ordinance Amending the Zoning  
Classification of 0.875 acres  
from Agriculture (A-1) to General Business (GB)**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 0.875 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to General Business (GB) subject to the following proffered conditions:

1. The following uses shall not be permitted:
  - a. Auto body shop
  - b. Automobile, light truck, sales, service, rental and repair, excluding motor fuel sales
  - c. Building material sales
  - d. Equipment sales and service
2. All exterior lighting will be full cut-off fixtures and not exceed a height of twenty-five (25) feet from grade.
3. A fifteen (15) foot undisturbed vegetative buffer will be maintained along the southern property

boundary.

This action was commenced upon the application of Charles Gallo.

The property is at 769 Davis Street and is identified as Tax Parcel Nos. 67A-1-16 & 17 (Acct ID #'s 015926 & 015927) in the Prices Fork Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
Mary W. Biggs		
C.P. Shorter		
James D. Politis		
Gary D. Creed		
Larry N. Rush		

**Rezoning Request - Beliveau Development Corporation (Agent: Anderson & Associates)**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

**ORDINANCE 2003 -04**  
**An Ordinance Amending the Zoning**  
**Classification of 0.431 acres from**  
**Agriculture (A-1) to Multi-family Residential (RM-1)**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 0.431 acres of land is hereby amended

May 12, 2003  
Page 12 of 27

and rezoned from the zoning classification of Agriculture (A-1) to Multi-family Residential (RM-1) subject to the following proffered conditions:

1. A minimum of 25 feet of existing vegetation buffer shall be maintained whenever grading conditions allow around the perimeter of the project.
2. The Project will be developed in substantial conformance with the master plan dated April 9, 2003.

This action was commenced upon the application of Beliveau Development Corp. (Agent: Anderson & Associates).

The property is located on the north side of Peppers Ferry Road 0.7 miles east of Walton Road, and is identified as Tax Parcel Nos. 64-A-33A (Acct ID # 026177) in the Prices Fork Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	John A. Muffo
James D. Politis		
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		
Larry N. Rush		

## **NEW BUSINESS**

### **Free Clinic of the New River Valley - Authorization to Amend Lease Agreement and Appropriate Additional Funds**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia has been awarded Community Development Block Grant funds from the Commonwealth of Virginia for the renovation of the county office building at 215 Roanoke Street for use by the Free Clinic of the New River Valley, Inc.; and

WHEREAS, After construction bids were received, it was determined that an additional \$110,595

was needed to finance the cost of renovation; and

WHEREAS, Additional funding up to \$110,595 will need to be provided by the Free Clinic in order to complete the renovation project.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, hereby authorizes the Chairman to sign an amendment to the Lease Agreement dated October 14, 2002 between the Board of Supervisors and the Free Clinic stating that in addition to the previously specified contributions, the Free Clinic will provide up to \$110,595 in cash towards the renovation project.

FURTHER, BE IT RESOLVED, That the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

801	Free Clinic Project	\$160,595
-----	---------------------	-----------

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02801 Free Clinic Project - Recovered Costs \$160,595

Said resolution appropriates \$50,000 in donated funds obtained from Carilion Foundation and Montgomery Regional Hospital and \$110,595 in donated funds from private sources.

FURTHER, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to sign a contract on behalf of the County with Community Housing Partners Corporation for construction services to complete the Free Clinic (215 Roanoke Street) renovation project pursuant to IFB # 03-53 at a cost of \$586,665.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Gary D. Creed		
Annette S. Perkins		
Mary W. Bigs		
C.P. Shorter		
Larry N. Rush		

**Riffe Street (Route 9263) - Addition to the Secondary System of State Highways**

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

WHEREAS, A portion of existing school bus road (Riffe Street, Route 9263) must be transferred from school bus road status to that of a normal road that is part of the secondary system of state highways, maintained by the Virginia Department of Transportation, in order to be extended as a state maintained road to other properties; and

WHEREAS, The Resident Engineer for the Virginia Department of Transportation has advised the Board the construction of this road and the extension meet VDOT's minimum requirements.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby requests the Virginia Department of Transportation to transfer that part of school bus road (Riffe Street, Route 9263) from its intersection with Route 11/460 to a point 0.23 miles from said intersection from school bus road status to full status as part of the secondary system of state highways, re-numbering the road segment accordingly.

BE IT FURTHER RESOLVED, The Board of Supervisors requests the Virginia Department of Transportation to add the extension of the above described road from a point 0.23 miles from Route 11/460 (intersection of Riffe Street, Route 9263 remaining as a school bus road) to a point 0.15 miles west.

BE IT FURTHER RESOLVED, The Board of Supervisors guarantees a clear and unrestricted right-of-way of 30 feet for the transferred section of school bus road to the secondary system as well as right-of-way of 40 feet from the extended portion, as shown in deed book 134, page 133, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED, The Board of Supervisors respectfully requests the Montgomery County School Board to consider donating sufficient amount of right-of-way of school property on the transferred section of school bus road and landowners are willing to donate right-of-way as needed on the other side of school bus road.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

May 12, 2003

Page 15 of 27

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
Mary W. Biggs		
C.P. Shorter		
James D. Politis		
Gary D. Creed		
Larry N. Rush		

### **Industry Appreciation Week**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors recognizes the role of existing businesses and industries in the thriving economy of Montgomery County; and

WHEREAS, Existing businesses and industries provide essential employment opportunities for the citizens of Montgomery County; and

WHEREAS, Existing businesses and industries make significant contributions to promote educational opportunities and a variety of activities which increase the quality of life in the County; and

WHEREAS, Existing businesses and industries provide revenues from which the entire citizenry benefit.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby recognizes the existing businesses and industries of Montgomery County.

FURTHER, BE IT RESOLVED , That the Board of Supervisors hereby declares the week of **May 11-17, 2003, Industry Appreciation Week** in Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
C.P. Shorter		
James D. Politis		



Gary D. Creed  
Larry N. Rush

**Resolution of Commemoration - Reverend John Price, Jr.**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

***WHEREAS, The Reverend John Price, Jr.*** was the beloved husband of Beatrice H. Price, and a devoted father and grandfather; and

***WHEREAS, Reverend Price*** was a Pastor for 38 years and led Christiansburg's Asbury United Methodist Church from 1982-1988; and

***WHEREAS, Reverend Price*** became Director of Social and Ethnic Minority Ministries for the Virginia Annual Conference C.O.M. of the United Methodist Church from 1988-1994; and

***WHEREAS, Reverend Price*** returned to lead the Christiansburg United Methodist Church in 1996; and

***WHEREAS, Reverend Price*** was President of the Montgomery County Chapter of the National Association for the Advancement of Colored People and helped found the Community Group, an organization that works to increase black participation in county decision-making; and

***WHEREAS Reverend Price's*** service to the citizens of Montgomery County included serving as a member of the Montgomery County Planning Commission from 1983-1988, and a member of the Montgomery County Social Services Board from 1995-2002; and

***WHEREAS, Reverend Price*** has touched thousands of lives in Montgomery County and has set an incredible example for us to follow to make our community a better place.

***NOW, THEREFORE, BE IT RESOLVED,*** The Board of Supervisors of Montgomery County, Virginia offers its deepest condolences and most heartfelt sympathy to the loved ones and many friends of ***Reverend John Price, Jr.***

***BE IT FURTHER RESOLVED,*** That the original of this resolution be presented to the family of ***Reverend John Price, Jr.*** and a copy be made a part of the official Minutes of Montgomery County, that his memory may be so honored and ever cherished.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
C.P. Shorter		
Gary D. Creed		
Annette S. Perkins		
James D. Politis		
Larry N. Rush		

### **INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

#### 1. Merchants Capital Tax

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
James D. Politis		
C.P. Shorter		
Gary D. Creed		
Mary W. Biggs		
Larry N. Rush		

The Board discussed the Merchants Capital Tax in detail. Several options were presented and discussed as follows:

1. Decrease the Merchants Capital Tax by 50%
2. Eliminate the Merchants Capital Tax and impose a Business Professional Occupation License for business in the unincorporated area of the County.
3. Schedule a public hearing in order to hear public comment on decreasing the Merchants Capital Tax.

4. Staff to analyze the Merchants Capital Tax and forwarded results to the Board. Two Board members to be appointed to work with staff.

The Board preferred to await results of the recommendations and findings before making a decision on the Merchants Capital Tax.

### **OUT OF WORK SESSION**

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
C.P. Shorter		
Gary D. Creed		
Mary W. Biggs		
Annette S. Perkins		
Larry N. Rush		

### **Schedule Public Hearing - Advertise Lowering Merchants Capital Tax**

Supervisor Creed made a motion, seconded by Supervisor Politis, to advertise lowering the Merchants Capital Tax from \$6.05 to \$3.05 per \$100 assessed valuation in order to hear public comment.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	Mary W. Biggs	John A. Muffo
Gary D. Creed	C.P. Shorter	
Larry N. Rush	Annette S. Perkins	

Due to a tie vote, the above matter will follow procedures as set forth in Rule 6 of the Rules of Order and Parliamentary Procedures adopted by the Board of Supervisors on January 13, 2003 that:

***“In any case in which there shall be a tie vote of the Board upon any question when all of the members are not present, that question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there shall be a tie vote upon any question after complying with this procedure, that tie vote shall defeat the motion, resolution or issue voted upon”.***

### **Suspension of Rules of Order**

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously, pursuant to Rule 2 of the Rules of Order and Parliamentary Procedures that “The Board may temporarily suspend any of its rules by a vote of two-thirds of the members present”, the Board agreed to place the Merchants Capital Tax resolution on the June 23, 2003 agenda in order for all Board members to be present.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Annette S. Perkins		
James D. Politis		
C.P. Shorter		
Mary W. Biggs		
Larry N. Rush		

### **Merchants Capital Tax Study**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the Board recommended that staff analyze the structure of the Merchants Capital Tax and that two Board members be appointed to work with the Financial Management and Services Staff to review and analyze the Merchants Capital Tax.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	John A. Muffo
James D. Politis		
Gary D. Creed		
Mary W. Biggs		
Annette S. Perkins		

Larry N. Rush

By consensus of the Board, Supervisor Perkins and Supervisor Creed were appointed to the committee to analyze the Merchants Capital Tax. Staff was instructed to review past years collections and tax levies. They were instructed to review options by decreasing the tax rate and how it would effect the County's tax base. The Board preferred to await results of the recommendations and findings before making a decision on the Merchants Capital Tax.

## **COUNTY ADMINISTRATOR'S REPORT**

Meeting with Legislators The County Administrator requested possible dates the Board would like meet with the legislators. It was decided that Wednesday, June 11 or Thursday, June 12, 2003 would be suitable. Staff was instructed to contact the legislators to determine which date would suit them.

Courthouse Renovations The County Administrator gave the Board dates the Circuit Court Judge could meet with them to discuss the courthouse renovation project. It was decided that a meeting be scheduled for Monday, June 2, 2003, following the Public Service Authority meeting.

County Employee Insurance The County Administrator reported that according to the Human Resources Director, the deadline for enrollment into the county's insurance plan could be extended to June 6, 2003. He noted that the insurance company could not guarantee that an insurance card would be given to the employee by July 1, 2003. The employee would still be covered as of July 1, but would not have a card.

Supervisor Rush asked if there was a way for the County to help reduce the cost employees pay for health insurance. Supervisor Biggs asked if the County could buy down the premium.

## **BOARD MEMBERS' REPORTS**

Supervisor Creed Lafayette Bridge (SR 773) Supervisor Creed received a call concerning the bridge on SR 773 in Lafayette. Apparently the weight limit has been reduced to 8 tons. Residents are concerned if fire trucks will be able to cross the bridge safely.

Peddler Hill Communications Tower Supervisor Creed received call concerning the reflection of sunlight off the tower. He asked if there was anything that could be done.

Supervisor Politis Fishers View Radio Tower Supervisor Politis requested information concerning the

easement issue at Fishers View radio tower. According to the County Attorney, the owners are proposing to build a new tower. The current special use permit does not allow them to do so due to not having the 150 ft required amount of setback. They are requesting a variance in order to build without the required amount. This issue is being reviewed by the Board of Zoning Appeals. Supervisor Politis also noted that antennas for public safety organizations were to be allowed on the tower. He requested the County Attorney to check into this matter.

Supervisor Biggs LEPC Meeting Supervisor Biggs reported that the LEPC meeting has been changed from May 13 to May 20, 2003.

Industry Appreciation Day Supervisor Biggs reminded the Board that the Industry Appreciation Day dinner will be held on May 15, 2003 at 6:00 p.m. She hopes all the Board members will be able to attend.

Resolution of Commemoration - Scott Allen Hylton Supervisor Biggs requested a resolution of commemoration for Scott Hylton, Christiansburg Police Officer, who died in the line of duty.

Supervisor Shorter RC&D Supervisor Shorter reported that RC&D will be holding a three day meeting in Blacksburg, May 13-15, 2003.

Revenue Sharing Project - Brookfield Road Intersection Repair - Supervisor Shorter reported that the property owner at the intersection of Brookfield Road is not willing to grant the required amount of right-of-way needed in order to repair the intersection. The revenue sharing money allocated for this project can be appropriated to another project if need be.

## **INTO CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711	(1)	Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Discipling or Resignation of Specific Public Officers, Appointees or Employees
------------------	-----	---

1. Agency on Aging
  2. Social Services Board (Citizen Appointment)
  3. County Personnel
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
1. Library
- (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
1. County Owned Property
- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
1. Greenbrier Pipeline

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
C.P. Shorter		
James D. Politis		
Annette S. Perkins		
Gary D. Creed		
Larry N. Rush		

### **OUT OF CLOSED MEETING**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
C.P. Shorter		
James D. Politis		
Annette S. Perkins		
Gary D. Creed		
Larry N. Rush		

### **CERTIFICATION OF CLOSED MEETING**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.



VOTE

AYES

Mary W. Biggs  
Annette S. Perkins  
Gary D. Creed  
James D. Politis  
C. P. Shorter  
Larry N. Rush

NAYS

None

ABSENT DURING VOTE

John A. Muffo

ABSENT DURING MEETING

John A. Muffo

APPOINTMENTS

Agency on Aging

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Robert E. Gribben** to the Agency on Aging effective May 13, 2003 and expiring September 30, 2003.

Said appointment fills the unexpired term of Suzanne Mills Smith, deceased.

The vote on the foregoing resolution was as follows:

AYE

Mary W. Biggs  
Annette S. Perkins  
Gary D. Creed

NAY

None

ABSENT

John A. Muffo

James D. Politis  
C. P. Shorter  
Larry N. Rush

**Social Services Board - Citizen Appointment**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Karen Cronin** to the Social Services Board effective May 13, 2003 and expiring June 30, 2004.

Said appointment fills the unexpired term of Father Harry Scott, deceased.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Annette S. Perkins		
Gary D. Creed		
James D. Politis		
C. P. Shorter		
Larry N. Rush		

**Social Services - Board Representative**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **James D. Politis** as the Board of Supervisors representative to the Social Services Board effective May 25, 2003 and expiring May 24, 2007.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Annette S. Perkins		

Gary D. Creed  
James D. Politis  
C. P. Shorter  
Larry N. Rush

**ADJOURNMENT**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously, the Board adjourned to Tuesday, May 27, 2003 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
C.P. Shorter		
James D. Politis		
Annette S. Perkins		
Gary D. Creed		
Larry N. Rush		

The meeting adjourned at 11:10 p.m.

_____ ATTEST:	
Larry N. Rush	Jeffrey D. Johnson
Chairman, Board of Supervisors	County Administrator